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FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

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Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	INDICTMENT
Plaintiff,	:	VIOLATIONS:
vs.	:	18 U.S.C. § 1344 [Bank Fraud]
JOHN BRADLEY EGAN,	:	18 U.S.C. § 1030(a)(4) [Computer
Defendant.	:	Fraud]
	:	18 U.S.C. § 1028A(a)(1)
	:	[Aggravated Identity Theft]
	:	18 U.S.C. § 2 [Aiding and
	:	Abetting]

The Grand Jury charges that at all times relevant:

Case: 2:07-cr-00773
Assigned To : Kimball, Dale A.
Assign. Date : 10/24/2007
Description: USA v.

Parties and Bank Accounts

1. JOHN BRADLEY EGAN, the defendant, was a United States citizen residing in Utah at all times relevant to this Indictment , through on or about June 9, 2006.

2. L.C., his fiancé, resided in Utah until her move to Florida on or about June 5, 2006. She owned a condominium in North Salt Lake, Utah, that was in her name alone.

3. America First Credit Union (AFCU) was a credit union with accounts insured by the National Credit Union Share Insurance Fund. It therefore qualifies as a "financial institution" under 18 U.S.C. §§ 20 and 1343. AFCU was located in Utah with branches located at, among other places, Centerville and Salt Lake City, Utah.

4. The following accounts were held at AFCU:

Account Number	Account-Holders
XXX371-1 ("the 371-1 account")	L.C.
XXX690-9 ("the 690-9 account")	L.C. and JOHN BRADLEY EGAN
XXX075-0 ("the 075-0 account")	I.L.E. and JOHN BRADLEY EGAN

5. In or around 2005, L.C. and EGAN met, became friends, started dating, and eventually became engaged to be married.

6. Throughout their friendship and engagement, L.C. and EGAN lived in separate residences. He resided in Bountiful, Utah, and she resided in North Salt Lake, Utah.

Sale of Condominium and Deposit of Proceeds

7. Eventually, EGAN convinced L.C. to sell her condominium and move to Tampa, Florida, where they would marry and live together. EGAN further convinced L.C. to use some proceeds of the sale for a down payment on a house for which EGAN would pay the mortgage.

8. On or about June 2, 2006, L.C. sold her condominium and received the net proceeds of \$113,092.74 via check.

9. On or about June 5, 2006, L.C. deposited the check into the 371-1 account, which she held in her name and her name only. The same day, L.C. also deposited \$900 into the 690-9 account, L.C. and EGAN's joint account. The \$900 was proceeds from the sale of L.C.'s furniture and other belongings.

10. After depositing this money, L.C. and her daughter flew to Tampa, Florida. EGAN had told L.C. that he would drive to Florida with his son on June

8, 2006.

Egan's Disappearance

11. L.C. and EGAN spoke by telephone on or about June 6 and June 7, 2006. On or about June 8, 2006, EGAN told L.C. that he was in a hotel with his son and would be leaving for Florida in the morning. In fact, he was not with his son that day.

12. On or about June 9, 2006, L.C. attempted to return a call from EGAN, but was unable to reach him. L.C. never heard from EGAN again.

Bank Transfers and Withdrawals

13. On June 9, 2006, a person logged onto AFCU's online banking website and used the number for L.C.'s 371-1 account and her personal identification number (PIN) to make six transfers totaling \$59,400 (\$9,900 apiece) from L.C.'s 371-1 account into L.C.'s and EGAN's joint 690-9 account.

14. L.C. did not make these transfers or authorize anyone else to do so. Nor did she authorize anyone else to use her PIN to access her 371-1 account.

15. The same day, someone logged onto AFCU's online banking website and used the number for L.C.'s 371-1 account and PIN to make six transfers totaling \$50,500 from L.C.'s 371-1 account to the 075-0 account EGAN shared

with I.L.E., who is EGAN's mother. These transfers consisted of five transfers of \$9,900 and one transfer of \$1,000. L.C. did not make these transfers or authorize anyone else to do so. Nor did she authorize anyone else to use her PIN to access her 371-1 account.

16. The money was transferred on June 9, 2006, between approximately 10:13 and 10:27 a.m. Shortly thereafter on that day, EGAN arrived at AFCU's branch in Centerville, Utah, and withdrew \$60,372 in cash from L.C.'s and EGAN's 690-9 account. Soon after the Centerville withdrawal, EGAN arrived at AFCU's Metro branch in downtown Salt Lake City and withdrew \$50,000 in cash from the 075-0 account held jointly with I.L.E.

17. L.C. did not authorize EGAN to transfer or withdraw the money.

18. AFCU reimbursed L.C. for the \$109,900 in fraudulent withdrawals and has not recovered the money from EGAN.

COUNT 1

Bank Fraud - 18 U.S.C. §§ 1344 and 2

19. The Grand Jury re-alleges and incorporates paragraphs 1 through 18 and charges that:

20. On or about June 9, 2006, in the District of Utah and elsewhere,

JOHN BRADLEY EGAN,

the Defendant herein, did knowingly execute and attempt to execute a scheme and artifice to defraud a financial institution, and to obtain moneys and funds owned by and under the custody and control of a financial institution by means of false pretenses and representations, in that EGAN used the account number for L.C.'s 371-1 account at America First Credit Union, and L.C.'s personal identification number, to cause the transfer of \$109,000 from L.C.'s account number XXX371-1 to EGAN's joint accounts at America First Credit Union numbered XXX690-9 and XXX075-0, and he withdrew the transferred funds, all without L.C.'s consent, and America First Credit Union being a financial institution as defined by 18 U.S.C. § 20 whose deposits were insured by the National Credit Union Share Insurance Fund at all times material to this Indictment, and did aid and abet therein, all in violation of 18 U.S.C. § 1344 and 18 U.S.C. § 2, and punishable thereunder.

COUNT 2

Computer Fraud – 18 U.S.C. §§ 1030(a)(4),(b) and 2

21. The Grand Jury re-alleges and incorporates paragraphs 1 through 18 and charges that:

22. On or about June 9, 2006, in the District of Utah and elsewhere,

JOHN BRADLEY EGAN,

Defendant herein, did, knowingly and with intent to defraud, access and attempt to access a protected computer, namely the America First Credit Union online banking system computers, without authorization and in excess of authorization, and by means of such conduct did further and attempt to further the intended fraud and obtain something of value, namely approximately \$109,900 in funds transferred without authorization from L.C.'s America First Credit Union account number XXX371-1, and did aid and abet therein, all in violation of 18 U.S.C. § 1030(a)(4) and (b), and 18 U.S.C. § 2, and punishable thereunder.

COUNT 3

Aggravated Identity Theft – 18 U.S.C. 1028A(a)(1)

23. The Grand Jury re-alleges and incorporates paragraphs 1 through 18 and charges that:

24. On or about June 9, 2006, in the District of Utah and elsewhere,

JOHN BRADLEY EGAN,

Defendant herein, did, without lawful authority, knowingly possess and use a means of identification of another person, to wit, the America First Credit Union

account number and PIN of L.C., a person whose identity is known to the Grand Jury, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c)(5), namely, bank fraud in violation of 18 U.S.C. § 1344 as alleged in Count 1, which Count is incorporated herein by reference, all in violation of 18 U.S.C. § 1028A(a)(1), and punishable thereunder.

NOTICE OF INTENT TO SEEK FORFEITURE

As a result of committing the felony offenses alleged in Counts 1 and 2 of this indictment, which are punishable by imprisonment for more than one year, the defendant shall forfeit to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(A), (B), and (a)(6), and 28 U.S.C. § 2461 any and all property, real and personal, constituting proceeds deriving from violations of 18 U.S.C. §§ 1344 and 1030, or used or intended to be used in any manner or part to commit and to facilitate the commission of a violation of such statutes, and any property traceable thereto, including but not limited to the following:

SAILING VESSEL

1) 1976 Pearson 35-foot Sloop "Half Moon", hull number
PEA39361M77C, MMSI Number 341354000, St. Kitts & Nevis International Ship
Registry Number SKN1001354.

PROCEEDS (MONEY JUDGMENT)

The aggregate sum of one-hundred-nine thousand, nine-hundred dollars
(\$109,900), representing the value of the United States currency obtained by the
defendant in connection with the above-referenced offenses.

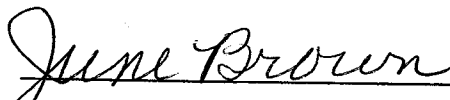
SUBSTITUTE ASSETS

If any of the above-described forfeitable property, as a result of any act or
omission of the defendant,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be
divided without difficulty;

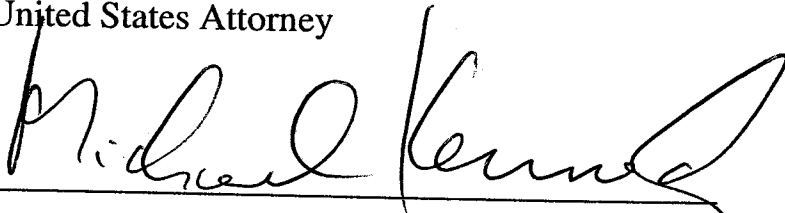
it is the intent of the United States, pursuant to 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above-forfeitable property.

A TRUE BILL:

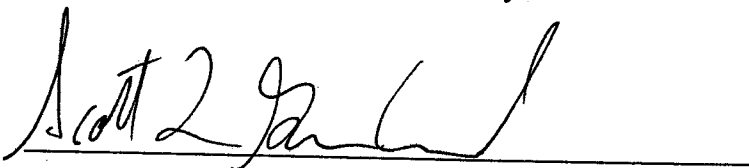


FOREPERSON OF THE GRAND JURY

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